

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOSEPH DOWNING,

**Plaintiff(s),**

V.

OSVALDO FUMO, et al.,

Defendant(s).

Case No. 2:23-cv-00419-ART-NJK

## ORDER

[Docket No. 1]

Plaintiff, who is a detainee, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1997e(a) and has filed an application to proceed *in forma pauperis*. Docket Nos. 1, 1-1.

15 Plaintiff did not file his application to proceed *in forma pauperis* on the form used for  
16 inmates. Moreover, Plaintiff's application to proceed *in forma pauperis* is incomplete. "When  
17 submitting an application to proceed *in forma pauperis*, an incarcerated or institutionalized person  
18 must simultaneously submit a certificate from the institution certifying the amount of funds  
19 currently held in the applicant's trust account at the institution and the net deposits in the  
20 applicant's account for the six months before the date of submission of the application." Local  
21 Special Rule 1-2. The applicant must also submit "a certified copy of the trust fund account  
22 statement." 28 U.S.C. § 1915(a)(2). Plaintiff did not submit this certificate or the certified account  
23 statement.

24 Accordingly, Plaintiff's application to proceed *in forma pauperis*, Docket No. 1, is  
25 **DENIED** without prejudice. No later than **April 21, 2023**, Plaintiff must either (1) file a fully  
26 complete application to proceed *in forma pauperis*, on the correct form with complete financial  
27 attachments; or (2) pay the \$402 fee for filing a civil action. **FAILURE TO COMPLY WITH**

1 **THIS ORDER MAY RESULT IN A RECOMMENDATION THAT THE CASE BE**  
2 **DISMISSED.**

3 The Clerk's Office is **INSTRUCTED** to mail Plaintiff the approved form application to  
4 proceed *in forma pauperis* by a prisoner, as well as the document entitled information and  
5 instructions for filing an *in forma pauperis* application.

6 IT IS SO ORDERED.

7 Dated: March 21, 2023

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Nancy J. Koppe  
United States Magistrate Judge

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